

"MEET AND CONFER" ON SYSTEM MAINTENANCE STUDIES

PURPOSE. Define official notification and “meet and confer” to meet our legal obligations for system maintenance studies.

BACKGROUND. Prior to August 5, 1998, a directly affected employee had the statutory right to appeal to the state personnel director within ten calendar days of the date of publication of proposed changes resulting from a system maintenance study. CRS 24-50-104(1)(b) replaces former appeal rights with a “meet and confer” process where the department must “meet and confer in good faith” with affected employees and employee organizations, when requested, before the proposed results of a study are finalized and implemented. In addition, notice to affected employees and employee organizations continues to be required.

The department has a long-standing practice of announcing the studies to be conducted, calling for volunteers to participate in the study process when appropriate, and often invites input from an interested person during data gathering or the draft recommendation stages of a study. This practice will continue and is not part of the official notice and “meet and confer” process required by statute. These informal communication processes are not the subject of this procedure. This procedure addresses the formal notification and meeting process that occurs when the results of a study are proposed for implementation.

CONCEPTS. The concepts involved in “meet and confer in good faith” are actually very simple. Good faith means that all parties have a mutual obligation to deal with each other honestly and openly. “Meet and confer” means to come together to exchange information and listen to viewpoints. **In practice, the department will typically initiate the “meet and confer” activity in order to keep the process manageable.** The input collected during these meetings will be considered before the proposal is finalized and implemented.

Both official notice and “meet and confer” occur at the end of a study when results are proposed. It is at the point that the department issues proposed changes that official notice and “meet and confer” will be initiated.

Directly affected means that the employee is in the class for which changes are proposed.

GUIDELINES. The department is committed to continually improving communications within our resource constraints. Notice to affected employees will generally continue to occur in much the same manner as before. The major difference from the former process is that the months that used to be devoted to the appeal process can now be used, if necessary, to solicit input before a study is finalized and implemented.

The publication of a Job Evaluation Letter (JEL) is the official notification of proposed changes. Personnel administrators, in their capacity of acting on behalf of the agency appointing authority, will receive a package of materials in the proposed JEL and are responsible for using reasonable means to notify and provide information to affected employees within their agencies. Appointing authorities are also responsible for providing the information to affected employees upon receipt. Employee organizations will continue to receive the information at the same time that it is provided to the agencies. In addition, notice of proposed changes will typically appear in *Stateline* and/or on the Total Compensation/Systems home page, with the exception of special use classes or minor proposed changes, e.g., title and code changes, adjustment to

factors. The editor of *Stateline* will also be asked to provide the information to the communication officers' network. All employees are encouraged to read *Stateline* because it contains information on what is happening in the state personnel system. Employees are urged to keep themselves informed.

Meetings can take a number of forms, including face-to-face meetings, electronic communication (e.g., teleconference and fax), telephone conversations, written communication (including e-mail), or any other means of communication with directly affected employees and employee organizations regarding the proposed recommendations of a study.

In order to proactively manage the “meet and confer” process, the face-to-face public meeting(s) will typically be scheduled and announced in the proposed JEL in order to avoid numerous, separate meetings with individuals. For example, a large study with major changes may have up to four public meetings scheduled in different regions of the state for affected employees and employee organizations to attend.

All “meet and confer” needs to be concluded within a reasonable time frame prior to release of the final results. A date by which such activity must conclude will be published in the proposed JEL and any other notices that may be issued. While the department intends to proactively manage the “meet and confer” process by initiating the public meeting(s), individuals may request a meeting by the deadline published in the proposed JEL. For example, if implementation is scheduled for July 1, activity (scheduled public meeting, written comments, and any individual requests for meetings) may need to be concluded by June 1 in order to finalize a change and prepare for implementation. In addition, the department will generally try to allow 30 calendar days or more, beginning with the date the notice is published, for “meet and confer” activity on major studies.

During public meetings, attendees will be expected to sign in. Notes or recordings of the proceedings will be created. In addition, the final narrative report that documents a system maintenance study will contain information on the “meet and confer” process and the results.

Note: In addition to the “meet and confer” process described above, the Total Compensation Advisory Council (TCAC) will be informed of the studies being conducted. If a study involves broad policy, TCAC's advice will be sought. If a study requires a direct survey, the department will “meet and confer” with TCAC, along with other required parties, before the survey is conducted.